

## **REMARKS**

Claims 2-3, 17, and 20-21 have been cancelled. Claims 1, 18, and 22 have been amended to clarify the subject matter regarded as the invention. Claims 1, 4-16, 18-19, and 22 are pending.

### ***Claim Rejections – 35 U.S.C. §101***

Claims 1 and 22 have each been amended in a manner believed to overcome the Examiner's rejections of those claims under 35 U.S.C. §101. Claims 4-16 depend from Claim 1 and their rejections under 35 U.S.C. §101 are therefore also believed to have been overcome.

### ***Claim Rejections – 35 U.S.C. §103(a)***

The Examiner has rejected independent Claims 1, 18, and 22 under 35 U.S.C. §103(a) as being unpatentable over Giovannoli, U.S. Patent No. 5,758,328, in view of Walker, U.S. Patent No. 5,794,207, in view of Fedor, U.S. Patent No. 6,785,660, and further in view of Sheth et al., U.S. Patent No. 7,069,242. The rejections are respectfully traversed.

Applicants' previous amendment added, in part, the querying of a database "of information representing the capabilities of suppliers to deliver goods and services to geographic areas and automatically selecting as potential bidders for an auction those suppliers whose capabilities satisfy at least a portion of the request."

On Page 2 of the June 18 2009 Office Action, the Examiner made the following statement:

"Giovannoli teaches the newly amended features in column 2 (lines 35-60)--including storing member information."

The portion of Giovannoli cited by the Examiner is copied below:

"The present invention is a computerized system forming a computer based communications network for processing requests for quotation for goods and/or services by broadcasting such requests to network members of the computerized system over any conventional transmitting medium, such as the Internet, to which the computerized

system may be connected. No central database of goods, prices, etc. is involved. Instead, buyers formulate requests for quotation and transmit them to the computerized network which broadcasts the request for quotation of one or more specified standard products to prospective sellers based on filter conditions set by the buyer and/or the seller and/or the network operator. The filter compatible sellers' responses are communicated to the prospective buyer either over the communications network or via other acceptable communications means. Their responses are processed by the quotation system and submitted to the requesting buyer.

The method of the present invention processes requests for quotation for goods and/or services from a buyer or supplier of goods and/or services through a computerized system forming a computer based communications network of network members for linking buyers to suppliers with the computerized system having at least one central processing unit including operating system software for controlling the central processing unit and storage means containing the identification of the network members, wherein the method” [end of line 60]

Applicants are unable to locate any mention of a supplier's capabilities “to deliver goods and services to geographic areas” in the excerpt and thus are also unable to locate any mention of the querying or automatic selection elements recited in Claims 1, 18, and 22 in the excerpt. Instead, the excerpt states that “filter conditions” can be set. Elsewhere (e.g., in the Abstract, Figure 7, and 5:9-12), Giovannoli states that “vendor location” is a filter condition.

Filtering results based on the location of a vendor is not the same as receiving geographic information, querying a database of information representing the capabilities of suppliers to deliver goods and services to geographic areas, and automatically selecting as potential bidders for an auction the appropriate suppliers. As but one example of the difference, a vendor located in a first city (e.g., New York City) may or may not be capable of delivering goods or services either to a particular area of that city (e.g. a particular neighborhood) and/or may or may not be capable of delivering goods or services to a geographical area outside that city. In Giovannoli, the only information used as a filter is the vendor's location, and not, e.g., the vendor's ability (or inability) to serve a particular geographic area. As neither Giovannoli, nor any of the other

references cited by the Examiner, whether considered individually or in combination, recites all of the limitations of independent Claims 1, 18, and 22, those claims are believed to be allowable.

Claims 4-16 and 19 depend, either directly or indirectly, from one of the aforementioned independent claims and are believed to be allowable for the same reasons described above.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

Dated: \_\_\_\_\_

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